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AMENDED IN SENATE JUNE 3, 2003

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AMENDED IN SENATE MARCH 6, 2003

SENATE BILL

No. 60

Introduced by Senator Cedillo

(Principal coauthor: Senator Murray)

(Coauthors: Senators *Alarcon*, *Ducheny*, *Escutia*, *Kuehl*,

***Romero*, *Soto*, and *Vasconcellos*)**

(Coauthors: Assembly Members *Calderon*, *Chan*, *Chu*, *Diaz*,
Firebaugh, *Hancock*, *Koretz*, *Lieber*, *Montanez*, *Mullin*, and *Nunez*)

January 15, 2003

An act to amend Sections 1653.5, 12800, 12801, 12801.5, 12814.5, 14900, 14900.1, 14901, and 14902 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 60, as amended, Cedillo. Vehicles: social security account number: driver's licenses: identification cards.

(1) Under existing law, every form prescribed by the Department of Motor Vehicles for use by an applicant for the issuance or renewal by the department of a driver's license or identification card is required to contain a section for the applicant's social security account number. Existing law requires an applicant who submits one of those forms to the department to furnish the appropriate number in the space provided. Existing law prohibits the department from completing an application that does not include the applicant's social security account number.

Existing law prohibits the department from including an applicant's social security account number on a driver's license, identification card, registration, certificate of title, or any other document issued by the department. Existing law declares that information obtained by the department regarding an applicant's social security account number is not a public record and prohibits the department from disclosing that information except in specified circumstances.

This bill would require those forms to contain a section for ~~either the applicant's social security account number or~~, federal taxpayer identification number, *or other identifier or number that is deemed appropriate by the department*. The bill would allow an applicant for a driver's license who does not possess a social security account number, but who submits a specified affidavit signed under penalty of perjury, and a federal taxpayer identification number or other *number or identifier* that is deemed appropriate by the department, to submit those documents to the department in lieu of a social security account number, *and those documents would be acceptable until the applicant obtains a social security account number. The bill would require that applicant upon obtaining a social security account number to provide that social security account number to the department.* Because the bill would expand the scope of the crime of perjury, the bill would impose a state-mandated local program.

The bill would also prohibit the department from including an applicant's federal taxpayer identification number on a driver's license, identification card, registration, certificate of title, or any other document issued by the department. The bill would declare that information obtained by the department regarding an applicant's federal taxpayer identification number is not a public record and would prohibit the department from disclosing that information, except in specified circumstances.

(2) Existing law requires the department to require every applicant for an original driver's license or identification card to submit satisfactory proof that the applicant's presence in the United States is authorized under federal law and prohibits the department from issuing a license or card to a person who does not do so. Existing law requires the department to adopt regulations, including procedures for verifying citizenship or legal residency of applicants for driver's licenses and identification cards.

This bill would repeal those requirements.



(3) Existing law imposes fees upon the issuance, renewal, duplication, or replacement of a driver's license, identification card, or senior citizen identification card.

This bill would increase the amount of these fees, except as to the fees charged for an original or replacement senior citizen identification card, which the bill would require to be issued free of charge.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1653.5 of the Vehicle Code is amended
2 to read:
3 1653.5. (a) Every form prescribed by the department for use
4 by an applicant for the issuance or renewal by the department of
5 a driver's license or identification card pursuant to Division 6
6 (commencing with Section 12500) shall contain a section for
7 ~~either~~ the applicant's social security account number ~~or~~, federal
8 taxpayer identification number, *or other number or identifier*
9 *deemed appropriate by the department under paragraph (2) of*
10 *subdivision (a) of Section 12801.*
11 (b) Every form prescribed by the department for use by an
12 applicant for the issuance, renewal, or transfer of the registration
13 or certificate of title to a vehicle shall contain a section for the
14 applicant's driver's license or identification card number.
15 (c) A person who submits to the department a form that,
16 pursuant to subdivision (a), contains a section for the applicant's
17 social security account number ~~or~~, federal taxpayer identification
18 number, *or other number or identifier deemed appropriate by the*
19 *department under paragraph (2) of subdivision (a) of Section*
20 *12801*, or pursuant to subdivision (b), the applicant's driver's
21 license or identification card number, if any, shall furnish the
22 appropriate number *or identifier* in the space provided.



~~(d) The department may not complete an application that does not include the applicant's social security account number, except as authorized under Section 12801, or federal taxpayer identification number, or driver's license or identification card number as required by subdivision (e).~~

(d) (1) The department shall not complete an application for the issuance or renewal by the department of a driver's license or identification card pursuant to Division 6 (commencing with Section 12500) that does not include one of the following:

(A) The applicant's social security account number.

(B) Subject to paragraph (2) of subdivision (a) of Section 12801, a federal taxpayer identification number.

(C) Subject to paragraph (2) of subdivision (a) of Section 12801, a number or identifier that is determined to be appropriate by the department.

(2) The department shall not complete an application for the issuance, renewal, or transfer of the registration or certificate of title to a vehicle that does not include one of the following:

(A) The applicant's driver's license number.

(B) The applicant's identification card number.

(e) An applicant's social security account number or federal taxpayer identification number may shall not be included by the department on a driver's license, identification card, registration, certificate of title, or any other document issued by the department.

(f) Notwithstanding any other provision of law, information regarding an applicant's social security account number or federal taxpayer identification number, obtained by the department pursuant to this section, is not a public record and may not be disclosed by the department except for any of the following purposes:

(1) Responding to a request for information from an agency operating pursuant to, and carrying out the provisions of, Part A (Aid to Families with Dependent Children), or Part D (Child Support and Establishment of Paternity), of Subchapter IV of Chapter 7 of Title 42 of the United States Code.

(2) Implementation of Section 12419.10 of the Government Code.

(3) Responding to information requests from the Franchise Tax Board for the purpose of tax administration.

SEC. 2. Section 12800 of the Vehicle Code is amended to read:

12800. Every application for an original or a renewal of a driver's license shall contain all of the following information:

(a) The applicant's true full name, age, sex, mailing address, residence address, and social security account number, ~~except as authorized under Section 12801~~, or federal taxpayer identification number, *or other number or identifier number deemed appropriate by the department under paragraph (2) of subdivision (a) of Section 12801*.

(b) A brief description of the applicant for the purpose of identification.

(c) A legible print of the thumb or finger of the applicant.

(d) The type of motor vehicle or combination of vehicles the applicant desires to operate.

(e) Whether the applicant has ever previously been licensed as a driver and, if so, when and in what state or country and whether or not the license has been suspended or revoked and, if so, the date of and reason for the suspension or revocation.

(f) Whether the applicant has ever previously been refused a driver's license in this state and, if so, the date of and the reason for the refusal.

(g) Whether the applicant, within the last three years, has experienced, on one or more occasions, either a lapse of consciousness or an episode of marked confusion caused by a condition that may bring about recurrent lapses, or whether the applicant has a disease, disorder, or disability that affects his or her ability to exercise reasonable and ordinary control in operating a motor vehicle upon a highway.

(h) Whether the applicant understands traffic signs and signals.

(i) Whether the applicant has ever previously been issued an identification card by the department.

(j) Any other information necessary to enable the department to determine whether the applicant is entitled to a license under this code.

SEC. 3. Section 12801 of the Vehicle Code is amended to read:

~~12801. (a) (1) Except as authorized under paragraph (2), the department shall require every application for a driver's license to contain the applicant's social security account number or federal~~

1 ~~taxpayer identification number, and any other number or identifier~~
2 ~~determined to be appropriate by the department.~~

3 12801. (a) (1) *The department shall require an application*
4 *for the issuance or renewal of a driver's license by the department*
5 *to contain one of the following:*

6 (A) *The applicant's social security account number.*

7 (B) *Subject to paragraph (2), a federal taxpayer identification*
8 *number.*

9 (C) *Subject to paragraph (2), a number or identifier that is*
10 *determined to be appropriate by the department.*

11 (2) (A) If an applicant signs an affidavit under penalty of
12 perjury attesting that he or she does not possess a social security
13 account number and submits a federal taxpayer identification
14 number ~~or other~~, *or other number or identifier* that is deemed
15 appropriate by the department, the submission of those documents
16 shall be acceptable to the department in lieu of a social security
17 account number until the applicant obtains a social security
18 account number. Upon obtaining a social security account number,
19 the applicant shall provide the department that number under
20 paragraph (1).

21 (B) The department shall obtain the consent of an applicant
22 who submits a federal taxpayer identification number under
23 subparagraph (A) in order for the department to verify the
24 applicant's full name, identification number, date of birth, and sex
25 with the federal Internal Revenue Service or the Franchise Tax
26 Board. Any information obtained by the department under this
27 paragraph shall be used solely for the purposes of verifying the
28 authenticity of an applicant's federal taxpayer identification
29 number in determining eligibility for a driver's license or
30 identification card.

31 ~~(3) The department may not complete an application for a~~
32 ~~driver's license that does not include either the applicant's social~~
33 ~~security number or the affidavit and alternate taxpayer identifying~~
34 ~~number authorized under subparagraph (A) of paragraph (2).~~

35 (3) *The department shall not complete an application for the*
36 *issuance or renewal by the department of a driver's license that*
37 *does not include one of the following:*

38 (A) *The applicant's social security account number.*

39 (B) *Subject to paragraph (2), a federal taxpayer identification*
40 *number.*

1 (C) Subject to paragraph (2), a number or identifier that is
2 determined to be appropriate by the department.

3 (b) Notwithstanding any other law, the social security number
4 or federal taxpayer identification number collected on a driver's
5 license application ~~may~~ shall not be displayed on the driver's
6 license, including, but not limited to, inclusion on a magnetic tape
7 or strip used to store data on the license.

8 SEC. 4. Section 12801.5 of the Vehicle Code is amended to
9 read:

10 12801.5. (a) Notwithstanding Section 40300 or any other
11 provision of law, a peace officer ~~may~~ shall not detain or arrest a
12 person solely on the belief that the person is an unlicensed driver,
13 unless the officer has reasonable cause to believe the person
14 driving is under the age of 16 years.

15 (b) The inability to obtain a driver's license does not abrogate
16 or diminish in any respect the legal requirement of every driver in
17 this state to obey the motor vehicle laws of this state, including
18 laws with respect to licensing, motor vehicle registration, and
19 financial responsibility.

20 SEC. 5. Section 12814.5 of the Vehicle Code is amended to
21 read:

22 12814.5. (a) The director may establish a program to
23 evaluate the traffic safety and other effects of renewing driver's
24 licenses by mail. Pursuant to that program, the department may
25 renew by mail driver's licenses for licensees not holding a
26 probationary license, and whose records, for the two years
27 immediately preceding the determination of eligibility for the
28 renewal, show no notification of a violation of subdivision (a) of
29 Section 40509, a total violation point count not greater than one as
30 determined in accordance with Section 12810, no suspension of
31 the driving privilege pursuant to Section 13353.2, and no refusal
32 to submit to or complete chemical testing pursuant to Section
33 13353 or 13353.1.

34 (b) The director may terminate the renewal by mail program
35 authorized by this section at any time the department determines
36 that the program has an adverse impact on traffic safety.

37 (c) No renewal by mail shall be granted to any person who is
38 70 years of age or older.

39 (d) The department shall charge a fee of twenty-four dollars
40 (\$24) for each noncommercial license renewal and thirty-four

1 dollars (\$34) for each commercial license or noncommercial
2 firefighter license renewal granted pursuant to subdivision (a)
3 which expires on the fifth birthday following the date of the
4 application.

5 (e) The department shall notify each licensee granted a renewal
6 by mail pursuant to this section of major changes to the Vehicle
7 Code affecting traffic laws occurring during the prior five-year
8 period.

9 (f) The department shall not renew a driver's license by mail if
10 the license has been previously renewed by mail two consecutive
11 times for five-year periods.

12 SEC. 6. Section 14900 of the Vehicle Code is amended to
13 read:

14 14900. (a) Upon application for an original class C or M
15 driver's license, there shall be paid to the department a fee of
16 twenty-four dollars (\$24) for a license that will expire on the fifth
17 birthday of the applicant following the date of the application. The
18 payment of the fee entitles the person paying the fee to apply for
19 a driver's license and to take three examinations within a period
20 of 12 months from the date of the application or during the period
21 that an instruction permit is valid, as provided in Section 12509.

22 (b) In addition to the application fee specified in subdivision
23 (a), a person who fails to successfully complete the driving skill
24 test on the first attempt shall be required to pay an additional fee
25 of five dollars (\$5) for each additional driving skill test
26 administered under that application.

27 (c) The fee specified in subdivision (b) shall be collected in
28 conjunction with any application submitted on or after July 1,
29 2003.

30 SEC. 7. Section 14900.1 of the Vehicle Code is amended to
31 read:

32 14900.1. (a) Except as provided in Sections 15250.6 and
33 15255.1, upon application for the renewal of a driver's license or
34 for a license to operate a different class of vehicle, there shall be
35 paid to the department a fee of twenty-four dollars (\$24) for a
36 license that will expire on the fifth birthday of the applicant
37 following the date of the application. The payment of the fee
38 entitles the person paying the fee to apply for a driver's license and
39 to take three examinations within a period of 12 months from the

1 date of the application or during the period that an instruction
2 permit is valid, as provided in Section 12509.

3 (b) In addition to the application fee specified in subdivision
4 (a), a person who fails to successfully complete the driving skill
5 test on the first attempt shall be required to pay an additional fee
6 of five dollars (\$5) for each additional driving skill test
7 administered under that application.

8 (c) The fee specified in subdivision (b) shall be collected in
9 conjunction with any application submitted on or after July 1,
10 2003.

11 SEC. 8. Section 14901 of the Vehicle Code is amended to
12 read:

13 14901. Upon an application for a duplicate driver's license or
14 for a change of name on a driver's license, there shall be paid the
15 department a fee of nineteen dollars (\$19).

16 SEC. 9. Section 14902 of the Vehicle Code is amended to
17 read:

18 14902. (a) Except as otherwise provided in subdivision (b) of
19 this section, subdivision (c) of Section 13002, and subdivision (c)
20 of Section 14900, upon an application for an identification card
21 there shall be paid to the department a fee of twenty dollars (\$20).

22 (b) An original or replacement senior citizen identification
23 card issued pursuant to subdivision (b) of Section 13000 shall be
24 issued free of charge.

25 (c) All fees received pursuant to this section shall be deposited
26 in the Motor Vehicle Account.

27 SEC. 10. No reimbursement is required by this act pursuant
28 to Section 6 of Article XIII B of the California Constitution
29 because the only costs that may be incurred by a local agency or
30 school district will be incurred because this act creates a new crime
31 or infraction, eliminates a crime or infraction, or changes the
32 penalty for a crime or infraction, within the meaning of Section
33 17556 of the Government Code, or changes the definition of a
34 crime within the meaning of Section 6 of Article XIII B of the
35 California Constitution.